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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,965	06/07/2001	Mordechay Emek	109730	5925

25944 7590 03/16/2004

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EXAMINER

A, PHI DIEU TRAN

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 03/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/874,965

Applicant(s)

EMEK, MORDECHAY

Examiner

Phi D A

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24, 28 and 29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 8, 10-24, 28 and 29 is/are rejected.
- 7) ☒ Claim(s) 9, 3-7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

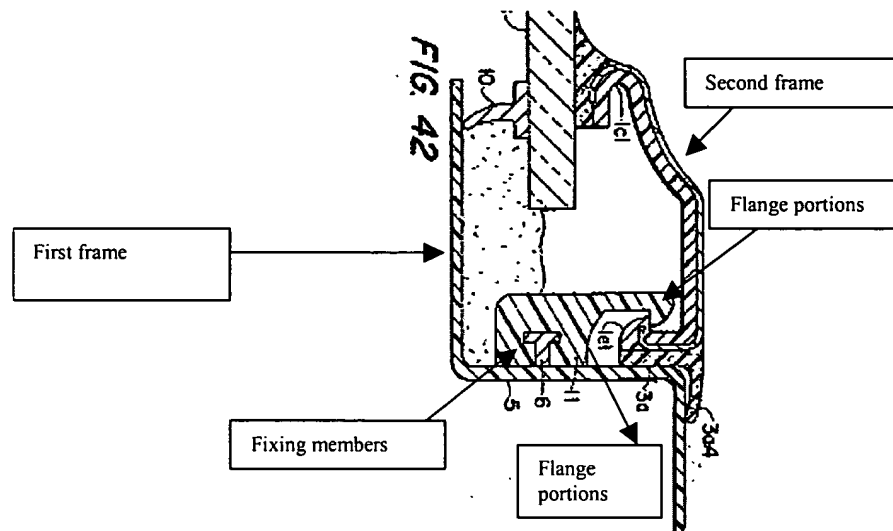
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 8, 11, 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Katoh (4248933).

Katoh (figure 42) shows a reinforced window system having a first frame (5) fixable to an opening, the first frame is provided with a plurality of fixing members (11) distributed on an inside perimeter of the first frame, a second frame (see figure below) which is separate from the first frame and is removably installable therein, the second frame carries a reinforced window pane (8) secured within the second frame, the second frame is provided with a plurality of support members (1e1, 3a, 3a4) distributed on an outside perimeter of the second frame to face the fixing members of the first frame and to support the second frame when the support members are in engagement with the fixing members, at least some of the fixing members being provided with a securing means (6) for securing position of the second frame within the first frame, some of the fixing members being removably attached to the inside perimeter of the first frame (means 6 allows removal) the fixing members being provided with flange portions (see below) for engagement with the arm portions (3a, 1e1) of the support members, some of the flange portions of the fixing members being configured as hook-like portions (the top flange portion) adapted for

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engagement with the corresponding first arms (1e1) of the support members, some of the flange portions of the fixing members constitute elongated protrusions (bottom flange portion, see above) formed on the inside perimeter of the first frame and the protrusion is directed towards the second arm (3a) of the support members, the second frame member inherently would engage the corresponding flange portions of the fixing members and leans in a radial inward direction when forced by a shock wave and the arm portions of the support members would inherently dissipate the energy of a shock wave striking on the window pane by leaning back and then shearing (the support members would first hook, then yield, and then shear), the fixing members being adjustable and removable (due to the piece 6 which allows the moving and adjusting of the fixing members 11), the window pane being fixed to the second frame by an adhesive (3b, col 2 lines 13-16, col 4 lines 4-7), the window pane (8) is fixed to the second frame by a mechanical glazing system, fitted with resilient gaskets (3b, 10) at both faces of the window frame.

3. Claims 1, 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Koike et al (5758459).

Koike et al (figure 2) shows a reinforced window system having a first frame (21) fixable to the opening, the first frame being provided with a plurality of fixing members (the hooks at the bottom of the frame 21) distributed on an inside perimeter of the first frame, a second frame (2) which is separate from the first frame and is removably installable therein, the second frame carries a reinforced window pane (7) secured within the second frame, the second frame provided with a plurality of support members (the hooks which connects to the first frame distributed on an outside perimeter of the second frame to face the fixing members of the first frame and to support the second frame when the support members are in engagement with the fixing members, at least some of the fixing members being provided with a securing means for securing position of the second frame within the first frame, a concealing panel (8) removably secured on the second frame (2).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

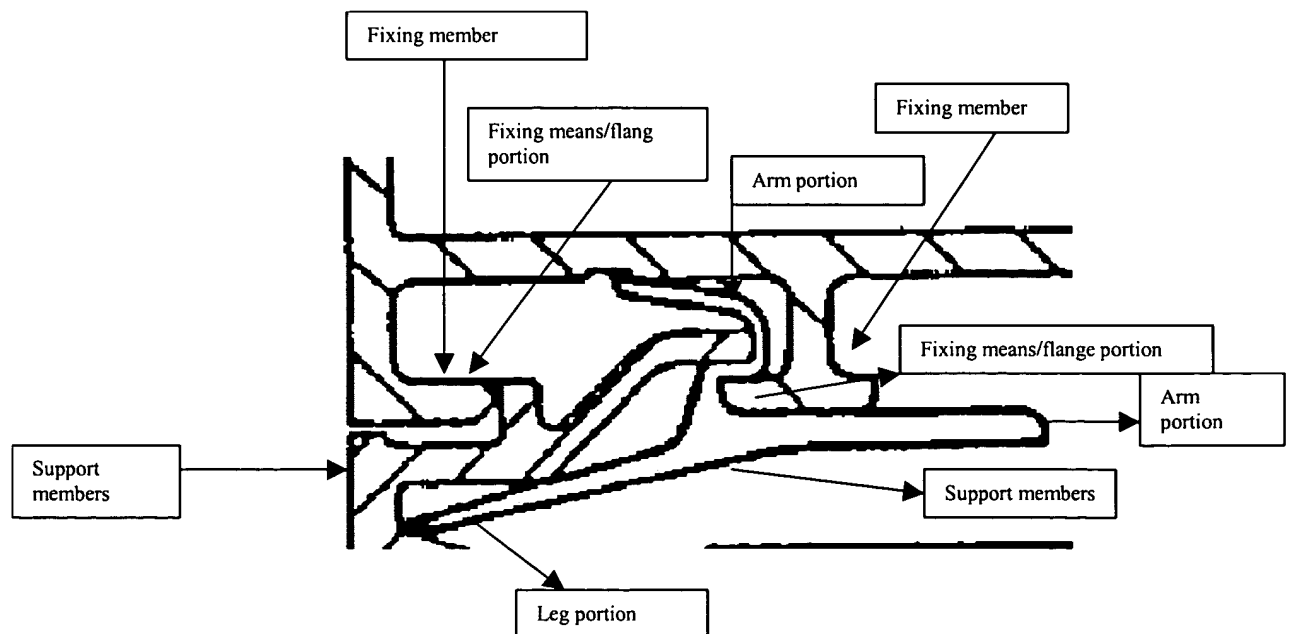
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

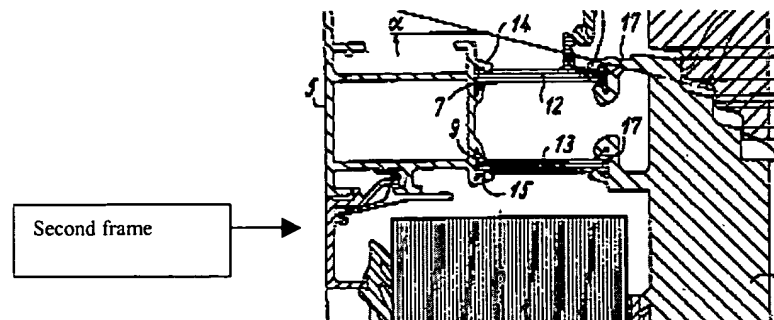
5. Claims 1-2, 10, 14, 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Habicht et al (4879957).

Habicht et al (figure 1, below) shows a reinforced window system having a first frame (comprise of 20, 12, 13, 5) fixable to the opening in a wall, the first frame being provided with a plurality of fixing members distributed on an inside perimeter of the first frame, a second frame

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which is separate from the first frame and is removably installable therein, the second frame carries a reinforced window pane (1, how to reinforce is not claim yet) secured within the second frame, the second frame being provided with a support member distributed on an outside perimeter of the second frame to face the fixing member of the first frame and to support the second frame when the support member being in engagement with the fixing members, at least some of the fixing members being provided with a securing means for securing position of the second frame within the first frame, the support members being removably attached to the outside perimeter of the second frame, the support members being configured as bifurcated members having a leg portion attachable to the second frame and an arm portion, extending towards the fixing members of the first frame and engageable therewith, the arm portion comprising a first and second arm, the support member being fixed at their locations





to the second frame, the window pane (1) sealingly bears against the first frame, a width dimension defines the support members and the adjacent support members provided with different width dimension, the system being a fool-proof system whereby the fixing members of the first frame and the corresponding support members of the second frame being distributed along respective inside and outside perimeter of the second frame and the first frame such that the fixing members extend opposite corresponding support members only at a correct mounting of the second frame within a first frame.

Habicht et al does not show the support member being a plurality of support members.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Habicht et al to show the support member being a plurality of support members because having a plurality of support members would enable the supporting of a large frame.

6. Claims 16, 20-24, 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Habicht et al (4879957).

Habicht et al (figure 1, above) shows framework having a first frame (comprise of 20, 12, 13, 5) adapted to be fitted to the opening in a wall, the first frame being provided with a plurality of fixing members distributed on an inside perimeter of the first frame, a second frame which is separate from the first frame and is removably installable therein, the second frame carries a

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reinforced window pane (1, how to reinforce is not claim yet) secured within the second frame, the second frame being provided with a support members distributed on an outside perimeter of the second frame to face the fixing member of the first frame and to support the second frame by engaging with the fixing members, at least some of the fixing members being provided with a securing means for securing position of the second frame within the first frame, the support member being formed with arm portions extending towards corresponding fixing members (see above) of the first frame, the arm portions being formed with a first and second arm portion, the first frame and the fixing members being formed with flange portions (see note above) and at least some of the fixing members being formed with the flange portions configured as hook-like portions (the shape of hook-like is not yet defined, and thus the 90° of the flange reads on the limitations) adapted to engage with corresponding first arms of the support member, at least some of the frame portions of the fixing members constitute elongated protrusions formed on the inner perimeter of the first frame, the protrusion formed on the inner perimeter of the first frame and the protrusion being directed towards corresponding second arm portions of the support member, the system is adapted to be fitted behind an existing window system installed in the wall opening (inherently capable of being adapted to be used in such an environment), at least some of the support members of the second frame absorb energy associated with a shock wave that strikes the window pane (inherently capable of doing so).

Habicht et al does not show the support member being a plurality of support members.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Habicht et al to show the support member being a plurality of support

members because having a plurality of support members would enable the supporting of a large frame.

7. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Habicht et al in view of Koike et al (5758459).

Habicht et al as modified shows all the claimed limitations except for a resilient sealing member being fitted between an outside face of the windowpane and the first frame.

Habicht shows a sealing member being fitted between an outside face of the windowpane and the first frame.

Koike et al shows a resilient sealing member (70) being fitted between an outside face of the window pane (7) and the first frame (21).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Habicht et al's modified structure to show a resilient sealing member being fitted between an outside face of the window pane and the first frame because a resilient sealing member would ensure the pane interior is protected from the elements due to the resilient property of the sealing member for constantly pressing against the pane surface.

8. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Katoh (4248933) in view of Pohl et al (6455819).

Katoh shows all the claimed limitations except for the adhesive material being a low-module silicone glue.

Pohl et al discloses silicone glue forming a joint for glass structure (figure 14a-14c).

It would have been obvious to one having ordinary skill in the art at the time of the invention to show Katoh's adhesive being a low module silicone glue because low module

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silicone would allow for the connecting of a glass structure to another structure as taught by Pohl et al.

Allowable Subject Matter

9. Claims 3-7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

10. Claim 9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter:

Per claim 9, prior art does not show the securing means comprising a fixation screw adapted for bearing against a corresponding arm portion of the support member in combination with other claimed limitations.

Per claims 3-7, prior art does not show at least some of the support members having first and second arm portion, some of the fixing member being removably attached to the inside of the first frame, the first frame and the fixing members being provided with respective flange portions adapted to engage the first and second arm portions of the support members in combination with other claimed limitations.

Response to Arguments

12. Applicant's arguments with respect to claims 1-8, 10-24, 28-29 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different window structures.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 703-306-9136. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Phi Dieu Tran A

March 8, 2004